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REMARKS

Reconsideration of the above-reference application is respectfully requested. Claims 1-22 are pending in the present application.

The Examiner has rejected Claims 1-4 and 6-21 under 35 U.S.C. 103(a) as being unpatentable over Narin (U.S. Pat. 5,292,020) in view of Dunn et al U.S. Patent No. 4,193,509. Applicant's Attorney respectfully traverses the Examiner on this ground of rejection.

The Examiner has admitted that Narin does not teach a thread such that one end of the thread has a thicker horizontal depth than the other end as is claimed and has relied upon Dunn et al to teach such structure. As correctly identified by the Examiner, the Narin reference merely discloses a non-back off rib 44 which is positioned above the upper most region 52 of the closure threading and is therefore disparate therefrom. (See column 3, lines 55-60). The Narin reference proposes a standard helical thread wherein *above the thread* the ribs are positioned to prevent back-off of the closure from the container.

The Examiner has mistakenly relied upon Dunn et al to disclose the lack of teaching in Narin. The Examiner has stated that Dunn et al discloses a helical thread having an increased horizontal thread depth 13 at the lower end of the thread (see page 2, second paragraph of office action). However, upon closer examination of the Dunn et al reference, it is directly apparent that Dunn et al actually teaches the direct opposite of the Examiner's suggestion. As stated in Dunn et al: "An important feature is included, however, in that the *upper most* thread has a portion 13 which is increased in depth near its terminus and which extends along it for about

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one-sixteenth of a turn or the arc subtended by about 20° as shown in Fig. 4.” (See column 3, line 32-36). As is apparent, the Dunn et al reference relied upon by the Examiner to suggest the lack of teaching in the Narin reference in fact teaches the exact opposite of the claimed subject matter set forth in the above-references claims. As the Examiner is aware from MPEP §2143, if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The suggested structure by the Examiner is not set forth in the Dunn reference and also goes directly against its teachings. Thus, the suggested combination fails to support a prima facie case of obviousness.

The presently claimed closure sets forth a helical thread which has a flat upper thread surface circumscribing the inner surface of the closure skirt wherein the thread has a lower thread profile of an increased horizontal depth as compared to the upper thread profile. As indicated in the above-referenced application, the depth of the thread nearer to the thick bead 18 results in the distortion of the closure as it is unscrewed from the mold. By limiting the amount of resin material at the thread nearest to the bead 18, as is presently claimed, the closure of the present invention eliminates the distortion commonly found in such rotary jump thread closures as is set forth and described.

~~The Dunn et al reference heavily relied upon by the Examiner, teaches the exact opposite~~
of the presently claimed inventive jump thread closure. By utilizing the design set forth in the Dunn et al reference, the thread would worsen the above-reference problems when molding the closure thereby *increasing* the amount of distortion and non-symmetrical influences. There is nothing found in either the Dunn et al or the Narin which would prevent such distortion nor

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which utilizes the presently claimed structure. Further, neither of the references discloses the use of a substantially flat over thread surface of is presently claimed. As none of the references relied upon by the Examiner teach nor even remotely suggest the claimed subject matter and in fact teaches directly opposite to what is suggested by the Examiner, Applicant's attorney respectfully requests the Examiner remove said rejection.

The Examiner has rejected claims 1-4 and 6-21 under 35 U.S.C. §103(a) as being unpatentable over the Swiss reference (597,052) in view of Dunn et al (U.S. Patent No. 4,193,509). Applicant's attorney respectfully traverses the Examiner on this ground of rejection.

The Examiner has admitted that the Swiss reference does not teach the thread depth at the lower end being a first thread depth greater than the second depth at the upper end of the thread and has relied upon the Dunn et al reference to suggest such a structure. However, as indicated herein, the Dunn et al reference relied upon by the Examiner teaches the exact opposite of Applicant's claimed invention. To so modify the Dunn et al reference or use the Dunn et al reference teachings to suggest modification of the Swiss reference or any other relied upon reference would be to suggest directly against the teachings clearly set forth in Dunn et al. Further, as admitted by the Examiner, the Swiss reference fails to disclose significant aspects of the presently inventive closure.

The closure of the present invention is designed to prevent distortion in the closure during removal from the mold by reducing the amount of material closest to the upper bead. Nothing in the reference relied upon by the Examiner teach or would suggest alone or in combination the presently claimed structure. None of the reference discloses in combination the helical thread

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utilized on a closure which prevents distortion of the closure wherein the helical thread has an upper thread profile and a lower thread profile in combination with a substantially flat upper thread surface, the lower thread profile having an increased horizontal depth greater than the upper thread profile. Applicant's attorney therefore respectfully requests the Examiner remove said rejection.

The Examiner has further rejected claim 5 under 35 U.S.C. §1103(a) as being unpatentable over Narin in view of Dunn et al and further in view of the EP reference (232,856). Applicant's attorney respectfully traverses the Examiner over this ground of rejection.

As indicated herein, the combination of Narin and Dunn et al fails to even remotely suggest the combination of structure presently claimed in claim 1, from which claim 5 depends. In fact, the Dunn et al reference teaches directly against the claimed structure. The EP reference does not aid in this lack of teaching and merely discloses a closure being a non-back off type closure with a liner less seal. As the EP reference fails to teach the significant lack of structure noted herein when combining both the Narin and Dunn et al references, Applicant's attorney respectfully requests the Examiner remove said rejection.

The presently claimed closure prevents distortion in the closure during removal from the mold for use in a rotary jumped thread. Thus, by utilizing the structure of the closure set forth and claimed herein, less removal force is required and a more consistent removal of the closure from the molding tool is experienced. The novel closure thread and closure design claimed herein sets forth a flat upper thread surface which tapers into the side wall of the closure and wherein the section of the thread nearest the bead adjacent to a top wall of the closure has a

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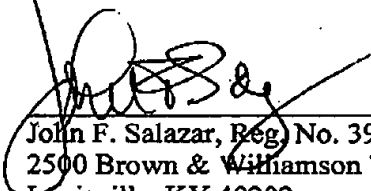
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depth which is reduced as compared to the thread depth at the lower section of the helical thread. None of the references relied upon by the Examiner alone or in combination teach or even remotely suggest the combination of structure set forth in the claims and in fact the one reference heavily relied upon by the Examiner teaches exactly opposite the claimed structure and would negate the usefulness and functionality set forth in the relied upon reference. Applicant's attorney therefore respectfully requests that the Examiner remove said rejection and allow said claims.

CONCLUSIONS

Applicant's attorney feels that the above-reference application is in condition for allowance. If the Examiner feels there are additional issues which remain and would prevent mailing of a Notice of Allowance, Applicant's attorney would appreciate a collect call to discuss such issues.

Respectfully submitted,



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